

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

SARAH MENARD

CIVIL ACTION NO.:

vs.

JUDGE:

AFFORDABLE DENTURES DENTAL
LABORATORIES, INC.

MAGISTRATE:

ORIGINAL COMPLAINT

NOW COMES Plaintiff, SARAH MENARD, through undersigned counsel, and for her Complaint against the above named Defendant, respectfully represents as follows:

1.

The Plaintiff, SARAH MENARD, an individual of the age of majority, is presently a resident of and domiciled in the Parish of Lafayette, State of Louisiana.

2.

Made Defendant herein is:

a. AFFORDABLE DENTURES DENTAL LABORATORIES, INC., a foreign corporation licenced to do and doing business within the Parish of Lafayette, State of Louisiana with its domicile located within the State of North Carolina.

3.

This Court has jurisdiction pursuant to 28 U.S.C.A. § 1331 and 28 U.S.C.A. § 1337, because this cause of action is brought pursuant to the Fair Labor Standards Act, 28 U.S.C.A. § 201 *et seq.* (“FLSA”).

4.

This action is brought under the FLSA to recover from Defendant overtime compensation, liquidated damages, lunchtime compensation, lunches, vacation pay, reasonable attorneys' fees and costs.

5.

At all material times relevant to this action Defendant, **AFFORDABLE DENTURES DENTAL LABORATORIES, INC.**, was an enterprise engaging in interstate commerce. Specifically, Defendant regularly owned and operated a business engaged in commerce or in the production of goods for commerce as defined by 29 U.S.C. § 203(r) and 203 (s) of the FLSA. Further, upon information and belief, Defendant's gross sales have been in excess of \$500,000 per year for each of the last three years. Additionally, Plaintiff was individually engaged in interstate commerce during her employment with Defendant.

6.

At all times relevant to this action, Defendant failed to comply with 29 U.S.C. §201-209, because Plaintiff performed services for Defendant for which no provisions were made by Defendant to properly pay Plaintiff for those hours worked in excess of forty within a work week. In addition, Defendants failed to comply with 28 U.S.C.A. § 201 *et seq.*, because Plaintiff was not allowed lunch breaks, lunches were not provided to her by Defendant, and Plaintiff was not allowed paid vacation.

7.

During her employment with Defendant, Plaintiff was not paid time and one-half her regular rate of pay for all hours worked in excess of forty(40) per work week during one or more work weeks. During her employment with Defendant, Plaintiff regularly worked overtime hours.

8.

Upon information and belief, the records, to the extent any exist, concerning the number of hours worked and amounts paid to Plaintiff are in the possession and custody of Defendants.

9.

As a result of Defendant's intentional, willful, and unlawful acts in refusing to pay Plaintiff her regular rate of pay for each hour worked in excess of forty (40) hours and various other FSLA violations, Plaintiff has suffered damages plus incurring reasonable attorneys' fees and costs.

10.

As a result of Defendant's willful violations of the FLSA, Plaintiff is entitled to liquidated damages and penalties.

11.

Plaintiff has assigned to his attorneys all rights, title, and interest to recover reasonable attorneys' fees and costs in this action.

WHEREFORE, Plaintiff, **SARAH MENARD**, prays for judgment against Defendant, **AFFORDABLE DENTURES DENTAL LABORATORIES, INC.**, in an amount found appropriate by the trier of fact and/or this Honorable Court to reflect all damages and penalties allowed by 28 U.S.C.A. § 201 *et seq.*, together with interest and costs taxed in accordance with law, and all other just and equitable relief.

Respectfully submitted,
GALLOWAY & JEFCOAT, L.L.P.
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VERIFICATION OF ORIGINAL COMPLAINT

PARISH OF LAFAYETTE

STATE OF LOUISIANA

BEFORE ME, Notary Public, personally came and appeared:

SARAH MENARD

who, after being duly sworn, did depose and say that she is the Plaintiff in the above and foregoing Complaint, that she has read the Complaint, and that all of the allegations of fact contained therein are true and correct to the best of her knowledge, information, and belief.

Sarah Menard

SARAH MENARD

SWORN TO AND SUBSCRIBED, before me, this 15th day of July, 2012.

Britney L. Hebert
Notary Public

